

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2817 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL SHANABHAI KUBERBHAI DECEASED HIS HEIRS

Versus

PARMAR GHEMABHAI REVABHAI

Appearance:

MR JITENDRA M PATEL for Petitioners

MRS KETTY A MEHTA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/07/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. This writ petition has arisen out of the proceeding which has been initiated by the respondent under sec. 70(b) of the Bombay Tenancy and Agricultural Lands Act, 1948. The Gujarat Revenue Tribunal, Ahmedabad under the impugned order held that the respondent was continued as a tenant notwithstanding the order of the A.L.T passed in 1963. Earlier both the lower authorities have come to a

definite finding, but on the remand of the matter, they have reversed that finding. The Tribunal after taking into consideration the evidence of the parties has rightly held in this case that both the authorities after remand have committed a serious error in reversing the finding reached earlier. When the findings of the lower authorities are perverse, may be a concurrent finding, which resulted into miscarriage of justice, and when the Tribunal has a power to interfere with the same, no interference is called for by this Court with the order of the Tribunal. I do not find any error apparent on the face of the order passed by the Tribunal which calls for interference by this Court. In the result, this Sp. Civil Application is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated.
